



PRESENT:

Mr. Sherman W. Litton, Chairman
Mr. Jack R. Wilson, III, Vice-Chairman
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Daniel A. Gecker
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department
Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department

Mr. Joseph E. Feest, Planning Administrator, Development
Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Ms. Sara Carter, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Lisa Caudill, Secretary, Administrative Branch,
Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Ms. Faith McClintic, Assistant Director, Economic
Development Department
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Acting Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Mr. William D. Dupler, Building Official,
Building Inspections Department
Mr. Richard C. Witt, Assistant Building Official,
Building Inspections Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Lt. John P. Jones, Inspector, Office of Fire & Life Safety,
Fire & EMS Department
Mr. Michael Mabe, Director,
Library Services
Ms. Cynthia O. Richardson, Director of Planning,
School Administration

Mr. John "Buster" Frith, Communications Specialist,
Radio Shop

WORK SESSION

At approximately 12:00 p. m., Messrs. Litton, Wilson, Gulley, Bass, Gecker and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. Plans and Information Section Update.**
- E. Work Program – Review and Update.**
- F. Consideration of the following Administrative Substantial Accord Determination:**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0201	Chesterfield County Public Libraries	Substantial Accord Determination	Meadowdale Library Expansion
G.	Proposed Amendment of Planning Commission By-Laws regarding Scheduling of Regular Meeting Dates.		
H.	Tentative Planning Commission Meeting Dates for 2006/2007.		
I.	Proposed <u>Upper Swift Creek Plan</u> Amendment.		
J.	Follow-up Discussion of Commission Policy on .22 Proffer in the Upper Swift Creek Watershed.		
K.	Adjournment.		

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission amended the agenda to add new Items K., Proposed Ordinance Amendment Relative to Multifamily and Townhouse Units in C-3, C-4 and C-5 Districts and L., Schedule Board of Supervisors Initiated Application Relative to Routes 60/288 Proactive Rezoning, for discussion, and reordered the agenda accordingly.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers presented an overview of the Commission's upcoming case schedules for the December 15, 2005; January 17, 2006 scheduled Planning Commission meeting as well as the case schedules for the unconfirmed February 2006 and March 2006 regular meetings.

C. REVIEW DAY'S AGENDA.

Messrs. Tompkins and Allen presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Mr. Dupler presented an overview of, and staff's recommendation for, a request to declare property located at 11230 Robious Road, Chesterfield County, Virginia, as blighted.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

D. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Ms. Carter updated the Commission as to the status of the ongoing Robious Area Plan, including the incorporation of the proposed Providence Road Area Plan into the proposed Midlothian Corridor Area Plan.

E. WORK PROGRAM.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission established the Affordable Housing Strategies Committee and appointed the following representatives:

Marilyn Breslow (RISC –Richmonders Involved to Strengthen Our Communities);
Susan Genovese (Vice President State Board of Education; LISC (Local Initiatives Support Corporation of Richmond) Local Advisory Committee Member;
Penny Johnson (Assistant Vice President, Community Development, Wachovia);
Jim Napier (Napier Realty);
Tyler Craddock (Homebuilders Association of Richmond);
T.K. Somanath (Executive Director, Better Housing Coalition);
Reuben Waller (Waller Realty Services)
Jason Livingston, Brandermill Community Association Board;
Kathy Russell, Greenleigh Mobile Home Park;
Michael L. Toalson, Executive Vice President, Homebuilders Association of Richmond;
Laura Lafayette, Senior Vice President for Public Affairs and MLS, Richmond Association of Realtors; and
Elaine Beard, Vice Chair of the Midlothian Civic Association.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Larson provided the Commission with a list of Major Planning Department Projects for Fiscal Year 2006-07 for their review.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their December 2005 Work Program, as outlined by Mr. Turner.

F. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION.

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0201	Chesterfield County Public Libraries	Substantial Accord Determination	Meadowdale Library Expansion

Mr. Litton stated his employer, Austin Brockenbrough and Associates, was handling the site plan for this project, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 1:25 p. m.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission confirmed the decision of the Director of Planning that the proposed public facility (expansion of Meadowdale Library) was consistent with the Comprehensive Plan, subject to the following conditions:

CONDITIONS

1. Development shall conform to the development standards of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)
2. Prior to any site plan approval, forty-five (45) feet of right of way on the west side of Hopkins Road, measured from the centerline of Hopkins Road, immediately adjacent the property shall be recorded. (T)
3. No direct access shall be provided from the property to Hopkins Road. (T)
4. Prior to the issuance of an occupancy permit, additional pavement shall be constructed along Meadowdale Boulevard at the approved access that serves the library to provide a right turn lane and a sidewalk shall be constructed along the south side of Meadowdale Boulevard for the entire property frontage of the library. The developer shall dedicate free and unrestricted, to and for the benefit of Chesterfield County, any additional right of way (or easements) necessary for these improvements. (T)

AYES: Messrs. Wilson, Gulley, Bass and Gecker.
ABSENT: Mr. Litton.

G. PROPOSED AMENDMENT OF PLANNING COMMISSION BY-LAWS REGARDING SCHEDULING OF REGULAR MEETING DATES.

Mr. Turner indicated staff had concerns relative to the legalities of the proposed amendment to the Planning Commission By-Laws, noting the matter would be brought back to the Commission at their December 15, 2005, Work Session.

Mr. Litton returned to the meeting at approximately 1:27 p. m.

H. TENTATIVE PLANNING COMMISSION MEETING DATES FOR 2006/2007.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission suspended their By-Laws and adopted the following Planning Commission meeting dates for February - December 2006 and January 2007:

February 21, 2006	September 19, 2006
**February 23, 2006	**September 21, 2006
March 21, 2006	October 17, 2006
**March 23, 2006	**October 19, 2006
April 18, 2006	November 16, 2006
**April 20, 2006	
APA Conference	
April 22-26-San Antonio, Texas	December 14, 2006
May 16, 2006	January 16, 2007 (Annual Meeting)
**May 18, 2006	**January 18, 2007
June 20, 2006	
**June 22, 2006	
July 18, 2006	
**July 20, 2006	
August 15, 2006	
**August 17, 2006	

**Dates for 2nd monthly meeting, if backlog exists.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

I. PROPOSED UPPER SWIFT CREEK PLAN AMENDMENT.

Mr. Bowling updated the Commission as to the status of proposed Ordinance amendments recommended by the draft Upper Swift Creek Plan Amendment relative to mandatory water and wastewater connections, prohibition of water and wastewater connections within the recommended deferred growth area and increased buffers along arterial roads for most forms of residential development, noting Transportation and Environmental Engineering/Water Quality Department staff were also present to answer questions.

There followed a discussion about whether low impact development options could be considered to implement the recommended goals of the Plan amendment.

Upon conclusion of the discussion, it was on motion of Mr. Bass, seconded by Mr. Gulley, that the Commission resolved to defer further discussion of the proposed Upper Swift Creek Plan Amendment to the March 21, 2006, Work Session, with staff providing updates in the interim.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

J. FOLLOW-UP DISCUSSION OF COMMISSION POLICY ON .22 PROFFER IN THE UPPER SWIFT CREEK WATERSHED.

Upon conclusion of the discussion, the Commission tabled the matter and requested staff provide additional information relative to the impact of Low Impact Development (L.I.D.) on the .22 proffer.

K. PROPOSED ORDINANCE AMENDMENT RELATIVE TO MULTIFAMILY AND TOWNHOUSE UNITS IN C-3, C-4 AND C-5 DISTRICTS.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission set the date of, and requested staff advertise, January 17, 2006, for a public hearing to consider a proposed Ordinance Amendment relative to multifamily and townhouse units in C-3, C-4 and C-5 Districts.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

L. SCHEDULE BOARD OF SUPERVISORS INITIATED APPLICATION RELATIVE TO ROUTES 60/288 PROACTIVE REZONING.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission set a public hearing for Case 06SN0191, The Chesterfield County Board of Supervisors, on December 15, 2005, at 7:00 p. m., unless a special meeting was called to consider the request on an alternate date.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

M. ADJOURNMENT.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission adjourned at approximately 2:42 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

3:00 P. M. AFTERNOON SESSION

Mr. Litton, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the October 18, 2005, Planning Commission minutes.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to approve the October 18, 2005, Planning Commission minutes, as written.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

06PR0151: In Clover Hill Magisterial District, **MAVRILLO HOLDINGS, LLC** requested Planning Commission approval of a site plan for a 10,000 square foot office building and a reduction of the 100 foot buffer along the southern property line to fifty (50) feet. This project is commonly known as **MAVRILLO LLC DEVELOPMENT**. This request lies in a Light Industrial (I-1) District on a 1.5 acre parcel fronting approximately 260 feet on the east line of South Old Hundred Road, also fronting approximately 370 feet on the south line of East Boundary Road and located in the southeast quadrant of the intersection of these roads. Tax ID 730-687-3576 (Sheet 10).

Mr. Scott MacCallum, the applicant's representative, requested deferral to the December 15, 2005, Planning Commission meeting to allow revision of Condition 2.

Mr. Gulley requested the proposed revision of Condition 2 be discussed in detail with members of the Brandermill Community Association Board.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to defer Case 06PR0151 to the December 15, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06PR0164: In Midlothian Magisterial District, **KROGER MID-ATLANTIC** requested Planning Commission approval for a modification to a previous Planning Commission approved site plan (89PR0067) to allow the addition of an automobile fueling island. This project is commonly known as **KROGER STORE-IVYMONT**

SQUARE. This request lies in a Community Business (C-3) District on part of a 16.68 acre parcel located at the Ivymont Square Shopping Center in the southwest quadrant of the intersection of Midlothian Turnpike and Le Gordon Drive. Tax ID 725-708-Part of 2651 (Sheet 5).

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation, citing the submittal of a condition precluding tree/limb removal in the berm.

Mr. Allen distributed copies of the proposed condition for the Commission's review, noting the condition was acceptable to staff.

Mr. Litton opened the discussion for public comment.

Ms. Amy Satterfield, President of the Village of Midlothian Volunteer Coalition, voiced support for the request and indicated delight at having the Kroger Store-Ivymont Square on the fringe of the Village.

There being no one else to speak, Mr. Litton closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved that approval of a modification to a previously approved site plan, Case 89PR0067, to allow the addition of an automobile fueling island for 06PR0164, Kroger Mid-Atlantic (Kroger Store - Ivymont Square), shall be and it thereby was granted, subject to the following condition:

CONDITION

Setback landscaping along Midlothian Turnpike and Le Gordon Drive in the vicinity of the fuel island shall not be limbed up or removed other than to remove fallen, dead or diseased plant matter, unless otherwise required by Chesterfield County. Should the fuel island be removed in the future this requirement shall revert to Ordinance language addressing setback landscaping.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06PR0173: In Midlothian Magisterial District, **KATHERMAN & COMPANY, INC.** requested Planning Commission approval of a landscape plan, as required by zoning Case 87SN0021. This project is commonly known as **VIRGINIA LAND ASSET MANAGEMENT**. This request lies in a Light Industrial (I-1) District on a 2.78 acre parcel fronting approximately 360 feet on the north line of Midlothian Turnpike, also fronting approximately 380 feet on the west line of Wylderose Drive and located in the northwest quadrant of the intersection of these roads. Tax ID 720-710-7515 (Sheet 5).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that approval of a landscape plan, as required by zoning Case 87SN0021, for Case 06PR0173, Katherman & Company, Inc. (Virginia Land Asset Management), shall be and it thereby was granted.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

06PW0174: In Matoaca Magisterial District, **DIocese of So. VA. EPISCOPAL CHURCH** requested development standards waivers to paving and curb and gutter for drives and parking and landscape within the parking area for three (3) years. This project is commonly known as **ST. MATTHEWS EPISCOPAL CHURCH**. This request lies in an Agricultural (A) District on a 12.5 acre parcel fronting approximately 340 feet on the south line of Beach Road approximately 3,200 feet west of Bundle Road. Tax ID 743-651-0860 (Sheet 24).

Mr. Coker presented an overview of the request and staff's recommendation for denial.

Mr. Bryant Gammon, the applicant's representative, did not accept staff's recommendation, noting the church was requesting a three (3) year temporary waiver for the requirements to pave, install curb and gutter and provide surface parking landscaping for the proposed parking lot to allow time for the church to better grasp the potential growth that the church may attain.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission found Case 06PW0174, Diocese of So. Va. Episcopal Church (St. Matthews Episcopal Church), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Sections 19-514(d)(1) and 19-519 of the Zoning Ordinance requiring paving, curb and gutter and surface parking landscaping, subject to the following condition:

CONDITION

A bond or other form of surety acceptable to the County and equal to the installed cost of the paving, curb and gutter and parking area landscape shall be provided prior to any Certificate of Occupancy. Prior to release of the bond or surety all paving, curb and gutter and landscape shall be installed and the installed work shall be inspected and approved by Chesterfield County Planning Department and Environmental Engineering. (P&EE)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

D. FIELD TRIP AND DINNER.

◆ **FIELD TRIP SITE SELECTION.**

The Commission resolved to forego their Field Trip Agenda to visit requests sites.

◆ **DINNER LOCATION.**

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to meet for dinner at Uno's at 12211 Jefferson Davis Highway, Chester, VA.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Bass, that the Commission adjourned the Afternoon Session at approximately 3:14 p. m., agreeing to meet at Uno's Restaurant, 12211 Jefferson Davis Highway, Chester, VA, at 5:00 p. m. for dinner.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Litton, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting the December 15, 2005, agenda was comprised of twenty-one (21) cases; the January 17, 2006, agenda was comprised of seventeen (17) cases; the February 21, 2006, agenda was comprised of fifteen (15) cases; and the March 21, 2006, agenda was comprised of five (5) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

E. PUBLIC HEARING TO CONSIDER DECLARING 11230 ROBIOUS ROAD AS BLIGHTED.

◆ ◆ ◆

Pursuant to the Code of Chesterfield County Section 5-7.4 (d) a public hearing will be held by the Chesterfield County Planning Commission at 7:00 p.m. on Tuesday, November 15, 2005 in the County's Public Meeting Room at 9901 Lori Road, requesting that the referenced vacant, deteriorated dwelling be declared blighted and allowing for its demolition.

◆ ◆ ◆

Mr. Witt presented an overview of the request and staff's recommendation.

In response to questions from the Commission, Mr. Witt summarized the current status of the property, noting numerous residents had contacted the Midlothian District Supervisor and staff requesting that action be taken to eliminate the blighted conditions at the subject location; and cited the lack of response from the property owners to cure the blight or present a reasonable plan to do so and the abandonment of the property resulting in staff's recommendation for demolition as the remedy to cure the blighted condition.

No one was present to represent the property owners.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission determined, in accordance with the Blight Ordinance, that the property located at 11230 Robious Road, Chesterfield County, Virginia, in its current condition, was blighted and recommended to the Board of Supervisors that the appropriate remedy to address the blight was demolition.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

F. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ REQUEST FOR DEFERRAL BY APPLICANT.

05SN0334:* In Midlothian Magisterial District, **ROBIOUS INVESTMENTS LLC** requested deferral to December 15, 2005, for consideration of an amendment to Conditional Use Planned Development (Case 02SN0131) and amendment of zoning district map relative to garage door orientation. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) dwelling per acre or less. This request lies in a Residential (R-25) District on 381 acres lying approximately 1,950 feet off the north line of Robious Road approximately 820 feet west of Ellesmere Drive. Tax ID 734-724-5830 (Sheet 2).

Mr. William Shewmake, the applicant's representative, requested deferral to the December 15, 2005, Planning Commission public hearing.

Mr. Litton opened the discussion for public comment.

Ms. Nancy Frantel, a County resident, and Mr. Mike Harton, a resident of Whitechapel Road, supported the deferral, noting that many issues of concern had not been resolved relative to abandoned, underground mines in sections of the subject property and the potential collapse of front loaded garages and floors of homes constructed on unstable property.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Gecker stated he did not support deferral of the request; he felt the issue of front-loaded garages could be resolved; and he hoped negotiations on other issues continued with a positive outcome.

At Mr. Gecker's request, it was the consensus of the Commission to place Case 05SN0334 with those cases requiring discussion.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

06SN0110: In Midlothian Magisterial District, **JDC TRADD INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for low density residential use of 1.01 to 2.5 units per acre. This request lies on 22.8 acres fronting approximately 1,200 feet on the north line of the Norfolk Southern Railroad, west of Winterfield Road. Tax IDs 724-710-7957 and 725-710-3079 and 4141 (Sheet 5).

Mr. William Shewmake, the applicant's representative, supported deferral of Case 06SN0110 by Mr. Gecker to the December 15, 2005, Planning Commission public hearing.

Mr. Litton opened the discussion for public comment.

Mr. Eric Painter, a County resident, supported the deferral and requested a meeting with the applicant, Mr. Barber and Mr. Gecker to discuss the proposal.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, stated the Coalition supported the proposal but accepted the recommendation for deferral.

There being no one else to speak, Mr. Litton closed the public comment.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 06SN0110 to the December 15, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0111: In Midlothian Magisterial District, **JDC TRADD INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for low density residential use of 1.01 to 2.5 units per acre. This request lies on 2.2 acres known as 1400 Winterfield Road. Tax ID 725-710-6268 (Sheet 5).

Mr. William Shewmake, the applicant's representative, supported deferral of Case 06SN0110 by Mr. Gecker to the December 15, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 06SN0111 to the December 15, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

05SN0327: In Dale Magisterial District, **FINER HOMES, INC.** requested Conditional Use Planned Development and amendment of zoning district map to allow a public road in an Agricultural (A) District on 15.0 acres and offering proffered conditions on 52.0 acres currently zoned R-7. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on a total of 67.0 acres which fronts the west line of Salem Church Road at Old Salem Church Road, also fronting on the north line of Kingsland Road west of Salem Church Road. Tax IDs 776-673-3159, 777-674-9052 and 778-674-3326 (Sheets 17 and 18).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0327 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. In conjunction with the recordation of the initial subdivision plat, a public access easement, of approximately thirty (30) feet in width along Reedy Branch Creek, shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. The exact location and width of this easement shall be approved by the Parks and Recreation Department. (P&R)
2. Direct access from the property to Salem Church Road shall be limited to one (1) public road. The exact location of this public road shall be approved by the Transportation Department. Direct access from the property to Kingsland Road shall be limited to one (1) public road that aligns the existing stub road right-of-way (shown as Canberra Drive on the subdivision plat for Windermere, Section A dated February 25, 1970) located between the parcels identified as Tax ID 775-673-8918 and Tax ID 776-673-1112. (T)
3. In conjunction with recordation of the initial subdivision plat, thirty-five (35) feet of right-of-way along Salem Church Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
4. The developer shall be responsible for:

- a. Construction of left and right turn lanes along Salem Church Road and Kingsland Road at each approved public road intersection, based on Transportation Department standards; and,
 - b. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for these improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 12, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
5. Prior to tentative subdivision plan approval, a phasing plan for the improvements identified in Proffered Condition 3 shall be submitted to and approved by the Transportation Department (T).

The following proffered conditions shall be applicable to GPIN 777-674-9052 and 778-674-3738.

6. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
7. Direct access from the property to Salem Church Road shall be limited to one (1) public road (the "Public Road"). The exact location of the Public Road shall be approved by the Transportation Department. (T)
8. In conjunction with development of the initial section that accesses the Public Road, the developer shall be responsible for construction of additional pavement along Salem Church Road at the approved access to provide left and right turn lanes, and dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for these improvements. (T)
9. The property shall not be subdivided, nor shall any residential units be permitted on such property. (P)

The following proffered conditions shall be applicable only to GPIN 776-673-3159.

10. The minimum gross floor area for each new dwelling unit shall be 1800 square feet. A maximum of thirty (30) homes shall be permitted to have a gross floor area of less than 2,000 square feet. (BI & P)

11. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
12. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:
 - A) Proposed Declaration of Protective Covenants:
 1. No lot shall be used except for residential purposes. No business uses (profit or non-profit) including home occupations shall be conducted on the premises. Home occupations may be permitted if approved by the Homeowners' Association.
 2. No improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, antenna, or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.
 3. Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers, electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.
 4. In considering requests for approval of fences and hedges, the following general guidelines will be applied:
 - a. No fence shall be permitted in the front yard of any Lot (between the building setback line and street line).
 - b. No fence or hedge shall generally be permitted higher than 42 inches of any Lot.
 - c. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
 5. Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.

6. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by a the initial construction and sales period.
7. No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots. No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
8. No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph 2.
9. No swimming pool shall be located nearer to any street line than the rear building line of the dwelling.
10. No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
11. Unless prohibited by law, no trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant. This condition shall not preclude the removal of vegetation that is unhealthy, dying, or diseased.
12. No portable air conditioner units will be placed in any window of a dwelling or other building if visible from a public street.
13. Except as permitted by applicable law, no exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building.
14. No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the Subdivision or on a Lot except in a driveway shown on plans that have been approved as provided in Paragraph 2.
15. Any one or more of the covenants or restrictions imposed by paragraphs 1 through 14 above may be waived or modified, in whole or in part, as to the

entire Subdivision or and part thereof, by written instrument signed by Declarant and recorded where these restrictions are recorded.

16. In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
17. Invalidity of any one of the provisions of these restrictions by judgment, court order, or otherwise shall in no way affect any of the other provisions which shall remain in full force and effect.
18. Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
19. Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.
20. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.
21. Declarant, as owner of all of the Property subjected to the Declaration, shall, at such time as it deems appropriate, cause to be incorporated under the laws of the Commonwealth of Virginia a non profit corporation to be named "Bendahl Valley Homeowner's Association" or a similar name (the "Association").
22. All Owners shall be members ("Members") of the Association and shall be entitled to one (1) vote, per each Lot owned by them (provided, however, that if a Lot is owned by more than one owner, the owners of such Lot

shall be entitled to only one vote between them), on all matters which are required to be decided by a vote of the Members of the Association.

23. The Members shall annually elect a five (5) member board of directors (the "Board of Directors") which shall be responsible for operating the Association, provided, however, that until such time as eighty-five percent (85%) of the Lots are owned by persons other than builders of the Declarant, the Board of Directors shall consist of five (5) directors all of whom shall be selected by the Declarant.
24. Each year the Board of Directors shall prepare an annual budget (the "Budget") containing an itemization of the expenses, which it anticipates, the Association will incur during the upcoming year to fulfill its responsibilities hereunder. The Budget shall be sent to each owner together with a notice of assessment (the "Annual Assessment") for the owner's pro rata share of the budget, which shall be computed by dividing the total Budget by the number of Lots. Upon receipt of the Annual Assessment, each Owner shall be required to make payment of the same in the manner designated by the Board of Directors.
25. In addition to any Annual Assessments, the Association may levy in any assessment year a special assessment (the "Special Assessment") applicable to that year only for the purpose of defraying in whole or in part the cost of any reconstruction, unexpected repair, or replacement of a capital improvement, including the necessary fixtures and personal property related thereto, provided that any such Special Assessment shall have the consent of the Owners of two-thirds (2/3) of the lots.
26. Any Annual Assessment of Special Assessment (the "Assessments") which is not paid by an Owner within such time as shall be determined by the Board of Directors shall bear interest at a rate per annum determined by the Board of Directors from such date until paid and shall constitute a lien upon the Lot owned by such Member. Such lien shall have priority over all other liens including, without limitation, mortgages, deeds of trust, or any other lien hereafter placed upon any Lot, except a first mortgage of deed of trust securing a loan by a bona fide institutional lender to which such lien shall be subordinate. No Owner may waive or escape liability for the assessments hereunder for any reason. No sale or other transfer shall relieve any owner from liability for any Assessments due nor any Lot from the lien of any Assessments. The amount of any such lien may be enforced by suit or otherwise at the election of the Association and the Owner shall be required to reimburse the Association for all attorneys' fees and expenses incurred in so doing, the amount of which shall also constitute a lien on the Lot as herein provided. Notwithstanding the above, a party who acquires title to a Lot by virtue of the foreclosure of lien secured by a first mortgage of deed of trust to which this lien is subordinate or by a deed or assignment in lieu of foreclosure any liability

of lien chargeable to such Lot on account of any period of time prior to such acquisition of title. Said acquiring party shall, however, be bound by the provisions of this Declaration including, without limitation, Assessments effective after said acquisition of title.

27. The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants. (P)

13. Manufactured homes shall not be permitted. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0105: In Matoaca Magisterial District, **BAYHILL DEVELOPMENT** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 20.0 acres lying approximately 1,120 feet east of the intersection of Battlecreek and Hollow Oak Drives. Tax ID 740-668-4013 (Sheet 16).

Mr. Delmonte Lewis, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 06SN0105 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 740-668-4013 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 as set forth in the application filed herewith is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Public wastewater system shall be used. (U)
2. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit, for infrastructure improvements within the service district for the property:

- a. \$15,600 per dwelling unit, if paid prior to July 1, 2006: or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted bylaw. (B&M)
- 4 All dwelling units shall have a minimum gross floor area of 1,700 square feet except for dwelling units with more than one story which shall have a minimum gross floor area of 2,000 square feet. (P)
5. The minimum lot area shall be 15,000 square feet and the average lot size shall not be less than 19,910 square feet. (P)
6. No more than thirty-six (36) lots shall be developed on the subject property. (P)
7. a. In conjunction with the recordation of the initial subdivision plat, seventy (70) feet of right-of-way through the property for the east/west collector ("Battlecreek Drive Extended") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department.
- b. There shall be no direct access from the property to Battlecreek Drive Extended.
- c. In conjunction with the development of the initial section, the developer shall be responsible for construction of two (2) lanes of Battlecreek Drive Extended through the property to VDOT Urban Collector (40 mph) standards and dedication, free and unrestricted to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for this improvement. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0106: In Matoaca Magisterial District, **BAYHILL DEVELOPMENT** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 57.1 acres lying approximately 1,250 feet west of the intersection of Buffalo Springs and Buffalo Nickel Drives. Tax ID 735-668-6633 (Sheet 16).

Mr. Delmonte Lewis, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 06SN0106 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 735-668-6633 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 as set forth in the application filed herewith is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Public wastewater system shall be used. (U)
2. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. The applicant, subdivider or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit, for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit, if paid prior to July 1, 2006: or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (BM)
4. All dwelling units shall have a minimum gross floor area of 1,700 square feet except for dwelling units with more than one story which shall have a minimum gross floor area of 2,000 square feet. (BI&P)
5. The minimum lot area shall be 15,000 square feet and the average lot size shall not be less than 17,000 square feet. (P)
6. No more than 125 lots shall be developed on the subject property. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0114: In Bermuda Magisterial District, **INTERNATIONAL TRUCK SALES OF RICHMOND, INC.** requested rezoning and amendment of zoning district map from Light Industrial (I-1) to General Industrial (I-2) with Conditional Use to permit truck service and repair and retail sale of truck parts. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 4.1 acres fronting approximately 160 feet on the south line of West Hundred Road, also fronting approximately 780 feet on the north line of Ware Bottom Spring Road. Tax IDs 805-653-3722 and 7422 (Sheet 27).

Mr. Mark Igou, the applicant's representative, accepted staff's recommendation.

Ms. Marian Franz, a County business owner, stated she felt the proposed use was inappropriate at the subject location.

At the Commission's request, Ms. Rogers presented an overview of the request and staff's recommendation.

Mr. Litton opened the discussion for public comment.

Ms. Nancy Satchel, an adjacent property owner, voiced opposition to the request, stating she felt it was location for the use was inappropriate, there were no similar uses in the area and the impact of the use would be detrimental to ongoing efforts to enhance the area.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Wilson stated there had been no attendance to the community meeting held regarding the proposal; that he was comfortable with the applicant's upgrade to the property; the use complied with the area Plan; and he felt approval was appropriate.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0114, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

The retail sale of truck parts shall be accessory to, and only in conjunction with the truck service and repair operation. (P)

PROFFERED CONDITIONS

1. Within sixty (60) days of a request by the Transportation Department, right-of-way on the south side of West Hundred Road (Route 10) as shown on the Route 10 widening plans (VDOT Project 0010-020-127, C-501, RW-201) shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. There shall be no direct access from the property to Route 10. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION
AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

05SN0334:* In Midlothian Magisterial District, **ROBIOUS INVESTMENTS LLC** requested amendment to Conditional Use Planned Development (Case 02SN0131) and amendment of zoning district map relative to garage door orientation. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) dwelling per acre or less. This request lies in a Residential (R-25) District on 381 acres lying approximately 1,950 feet off the north line of Robious Road approximately 820 feet west of Ellesmere Drive. Tax ID 734-724-5830 (Sheet 2).

Mr. Clay presented an overview of the request and staff's recommendation.

Mr. William Shewmake, the applicant's representative, accepted staff's recommendation, noting the proposed development would be a premier community, one of upscale cluster and single family units and asked the Commission's favorable consideration to allow front-loaded garages for the cluster home portion of the development

Mr. Litton opened the discussion for public comment.

Ms. Julie Epperly and Ms. Tracy Omohundro, residents of Tarrington Subdivision; Ms. Nancy Frantel, a County resident; Mr. Mike Harton, a resident of Whitechapel Road; and Ms. Marlene Durfee, Executive Director of the Task Force for Responsible Growth, voiced opposition to the request, citing concerns relative to density; lack of buffers, open space and focal points; the size of setbacks; inappropriateness of the use in the area; the potential dangers to the health, safety and welfare of the public if homes were constructed on unstable land laden with underground mines; and the aesthetic/visual impacts of front-loaded garaged to the community and the devaluation of existing homes in the area.

There being no one else to speak, Mr. Litton closed the public comment.

There was discussion relative to the site and garage design and orientation; density; the aesthetic/visual impact of front-loaded garages and consistency of standards for such garages in cluster developments; and other issues of concern.

Mr. Gecker stated a commitment was made to the neighborhoods that Residential (R-40) single family residential development would occur in the corridor; however, through compromise, the existing zoning was granted, which included numerous quality standards which he felt should be honored. He stated, without a compelling reason to do so, he did not feel a change to the requirements should occur; he did not support the request; and intended to recommend denial of the request.

The Commission recessed at approximately 8:23 p. m.

The Commission reconvened at approximately 8:32 p. m.

The Commission generally agreed with Mr. Gecker that the commitment made to the neighborhoods in the existing zoning should be honored and they would support his motion for denial.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 05SN0334.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

G. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 8:35 p. m. to December 15, 2005, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Chairman/Date

Secretary/Date